

REMARKS

Claims 24-32 are currently pending in the application. Claims 24, 28 and 30 are independent. By this amendment, claims 24 and 28 are amended and claims 30-32 are added. Support for the amendment to claim 24 and new claims 30-32 can be found in Figs. 5 and 7, page 7 of the specification, and the original claims, for example. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

***Allowable Claims***

Applicant appreciates the indication that claim 28 contains allowable subject matter and would be allowed if presented in independent form. As Applicant is presenting this claim in independent form to place it in condition for allowance, Applicant requests that this claim be indicated as allowed. Applicant submits that all claims are in condition for allowance for the following reasons.

***35 U.S.C. §102 Rejection***

Claims 24-26 and 29 were rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 5,806,702 to SABO. This rejection is respectfully traversed.

The claimed invention is directed to a recirculating filter tank system adapted for use in a septic system. The tank includes a bottom and sides, and an inlet and outlet. An effluent distribution system includes troughs forming channels integrally in at least the bottom and sides of the tank. The channels include at least one bottom channel spanning substantially between ends of the tank at the bottom and additional channels intersecting the bottom channel.

Claim 24 also specifically recites:

at least one bottom channel being open to an inside of the tank and spanning substantially between opposing ends of the tank at the bottom and additional channels intersecting the bottom channel.

SABO does not show or disclose these features. Instead, Figs. 3 and 5 of SABO shows an 8-sided star-shaped floor 54. In SABO, a plurality of intersecting ribs 52 provide an avenue for ground water. The upper side of the ribs 52 define a floor 54 (see col. 2, lines 62-65). The ribs project into the inside of the tank and open to the outside of the tank. As Fig. 5 clearly demonstrates, to the extent that one can argue that opposite legs of the star-shaped floor 54 extend across the bottom of the tank, it is clear that each leg or channel of this star-shaped floor 54 opens to the outside of the tank and not to the inside of the tank. The invention, in contrast, provides for a bottom spanning trough which opens to the inside of the tank (see Fig. 5).

Applicant notes this distinction is not one without a difference, because the trough of the invention allows for fluid flow across the bottom of the tank and within the tank, and is designed to, e.g., replace the piping 12 and 14 of the embodiment shown in Figs. 2-4 of the instant application (see page 7, lines 13-17). On the other hand, the floor design of the tank in SABO would not allow for any flow across the bottom of the tank, much less, within the tank. Also, SABO specifically designed the tank with the channels facing the outside of the tank in order to "provide an avenue for ground water." This is clearly opposite of and teaches away from the claimed invention.

Therefore, claim 24 includes allowable subject matter, not shown in the SABO reference.

Accordingly, Applicants respectfully request that the rejection over claims 24-26 and 29 be withdrawn.

### ***35 U.S.C. §103 Rejection***

Claim 27 was rejected under 35 U.S.C. §103(a) over SABO in view of U.S. Patent No. 6,202,370 to MILLER at al. This rejection is respectfully traversed.

Applicant agree with the Examiner to the extent that SABO lacks the recited sheet and that MILLER teaches to use a liner in a septic tank. However, as the Examiner has not identified any language in either SABO or MILLER with regard to a tank having at least one bottom channel being open to an inside of

the tank and spanning substantially between opposing ends of the tank at the bottom and additional channels intersecting the bottom channel, and because it is not apparent that either document discloses or suggests this feature, Applicant submits that no proper combination of these documents discloses or suggests at least the combination of features recited in claim 24, much less, those additionally recited in claim 27 from which it depends.

Accordingly, Applicant respectfully requests that the rejection over claim 27 be withdrawn.

#### **New Claims are Also Allowable**

Applicant submits that the new claims 30-32 are allowable over the applied art of record. Specifically, independent claim 30 recites a combination of features which are clearly not disclosed or suggested by the applied art of record. In particular, Applicant submits that the applied documents fail to disclose or suggest, for example, at least the bottom of the tank comprising integrally formed troughs which open to an inside of the tank and at least one of the integrally formed troughs of the bottom of the tank spanning the bottom of the tank and extending between different sides of the tank. Accordingly, Applicant respectfully requests consideration of these claims and further request that the above-noted claims be indicated as being allowable.

#### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,

Carlos V. PERRY, Jr.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a long horizontal flourish extending to the right.

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